

**WISCONSIN SUPREME COURT  
WEDNESDAY, FEBRUARY 2, 2005  
9:45 a.m.**



03-1527

Gary Hanneman v. Craig Boyson, D.C.

*This is a review of a decision of the Wisconsin Court of Appeals, District II (headquartered in Waukesha), which affirmed in part and reversed in part of a decision of the Outagamie County Circuit Court, Judge Harold V. Froehlich presiding.*

This is a chiropractic malpractice case. The Supreme Court will decide whether chiropractors must share with their patients the same type of information about treatment risks that medical doctors are required to share.

Here is the background: Gary Hannemann received regular chiropractic adjustments from Craig Boyson, D.C. On Aug. 21, 1997, Boyson adjusted Hannemann's spine with a move that included a neck twist. Hannemann was in pain following the procedure and, the next day, one of his legs started to "act up." He called Boyson and went in for another adjustment. Boyson later testified that he urged Hannemann to go to the emergency room; Hannemann said that conversation never occurred. Early the following morning, Hannemann awoke to find that he was paralyzed on one side. A neurosurgeon determined that he had had a stroke.

Hannemann's stroke left him permanently and significantly disabled. He sued Boyson. At trial, experts disagreed about the cause of Hannemann's stroke. Hannemann's expert witnesses pinned it on the chiropractic adjustment while Boyson's witnesses testified that an earlier bout with meningitis was to blame.

During the trial, experts testified that there is a well-known relationship between chiropractic adjustments and neurovascular injuries including stroke. The experts disagreed, however, on the size of the risk, with some estimating that injuries might occur in 55 out of 177 patients and others maintaining that one in 400,000 patients or even fewer might experience this type of injury. Boyson acknowledged that he never informed Hannemann that there was a risk of stroke associated with cervical spine adjustment. He explained that he tried not to alarm patients by disclosing rare risks because he felt that they might decline to proceed with treatments that would benefit them.

The jury ultimately found Boyson negligent and awarded Hannemann \$227,000. Boyson appealed, challenging the wording of the instructions that had been given to the jury. The Court of Appeals ordered a new trial after concluding that the jury should have been asked to determine not just whether Boyson had been negligent, but whether he had failed to obtain the patient's informed consent. Before the new trial could take place, Hannemann appealed this ruling to the Supreme Court.

The Supreme Court will decide if chiropractors have the same duty under the law as medical doctors to inform their patients of the risks that a reasonable person would want to know about prior to consenting to testing or treatment.